



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

[OCT 24 2017]

**GENERAL NOTICE/DEMAND LETTER**  
**URGENT LEGAL MATTER – PROMPT REPLY REQUESTED**  
**VIA CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Illinois Central Railroad Company  
17641 South Ashland Avenue  
Homewood, IL 60430

Dear Sir/Madam:

The purpose of this letter is as follows: first, to notify you of your potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9607(a), as amended, that you may have incurred with respect to the Minter City Train Derailment – Spill ID: B45V, adjacent to Bellchase Road on the north side, in DeFlore County, Mississippi, (the Site); and second, to demand reimbursement of response costs that have been incurred at the Site.

The U.S. Environmental Protection Agency has documented a release or threatened release of hazardous substances, pollutants or contaminants at the Site. The EPA has spent public funds to investigate, monitor and/or control releases of hazardous substances or potential release of hazardous substances at the Site.

**SITE BACKGROUND**

On March 30, 2015, an Illinois Central Railroad train carrying three boxcars, three loaded auto racks and one tank car derailed. The tank car contained dicyclopentadiene, and was situated with its dome at the three o'clock position. An estimated 24,000 gallons of product was released from the breached tank car onto a farmer's field and posed a risk to his crops. The closest waterway was the Little Tallahatchie River, located less than ¼ miles south of the derailment. The spilled product, dicyclopentadiene is a CERCLA listed hazardous substance.

Upon arrival, the EPA's On-Scene Coordinator (OSC) Jason Booth, noticed the contractors for Illinois Central Railroad had begun clearing the wreckage and the Site was secured by DeFlore County Sheriff's Department. The release was contained and recovery efforts had begun. Air quality monitoring was performed on site for workers and off site for residents. Pooling product had been recovered from impacted areas with padding and vacuum trucks. The excavation of contaminated soils had started and were stockpiled and sampled for waste stream analysis. Then, the impacted soils and pooled liquids were disposed of in the appropriate landfills. The EPA demobilized from the Site on April 4, 2015.



## **NOTICE OF POTENTIAL LIABILITY**

Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), PRPs may be held liable for all costs, including interest incurred by the United States Government in responding to any release or threatened release of hazardous substances at the site. Such costs may include, but are not limited to, expenditures for investigation, planning, response, oversight and enforcement activities. In addition, PRPs may be required to pay damages for injury to natural resources or their destruction or loss, together with the cost of assessing such damages.

PRPs under CERCLA include current and former owners and/or operators of the site, persons who arranged for treatment and/or disposal of any hazardous substances found at the site and persons who accepted hazardous substances for transport and selected the site or facility to which the hazardous substances were delivered. The EPA has evaluated evidence in connection with its investigation of the Site and has determined that Illinois Central Railroad is the PRP for the release and/or threatened release as an owner/operator of the Site.

## **DEMAND FOR PAYMENT**

In accordance with CERCLA, the EPA has undertaken response actions at the Site and incurred costs. An On-Line System (SCORPIOS) Report is enclosed. The total response costs incurred at the Site by the EPA through January 19, 2017, are approximately **\$16,018.36**. In accordance with Section 107(a) of CERCLA, 42 U.S.C. §9607(a), demand is hereby made for payment of the above amount.

Interest on past costs incurred shall accrue from the date of this demand for payment, pursuant to CERCLA Section 107(a), 42 U.S.C. §9607(a). Interest rates are variable. The rate applicable on any unpaid amounts for any fiscal year is the same as is specified for interest on investments of the Hazardous Substances Superfund which is determined by the Department of Treasury. The current annual rate of interest on unpaid costs is 0.87%.

Remittance of past response costs shall be made within thirty (30) calendar days of your receipt of this letter in the form of a certified or cashier's check made payable to the U.S. EPA Hazardous Substance Superfund established pursuant to CERCLA in Title 26, Chapter 98 of the Internal Revenue Code. Your check should reference your name, the name of the Site (Minter City Train Derailment) and the Site ID# B45V.

The remittance should be mailed to:

United States Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
P.O. Box 979076  
St. Louis, MO 63197-9000

You shall also send a copy of your check to Ms. Paula V. Painter at:

U.S. Environmental Protection Agency, Region 4  
Superfund Enforcement & Community Engagement Branch  
Superfund Division  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

If you fail to respond to this demand within 30 days of your receipt of this letter, the EPA will conclude that you have declined to reimburse the Hazardous Substance Superfund for site expenditures. The EPA encourages you to give this matter immediate attention and to respond to this letter within the time specified above. Please direct any questions to Kerri Sanders, at (404) 562-8736.

We appreciate and look forward to your prompt response to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita L. Davis', is positioned above the printed name.

Anita L. Davis, Chief  
Superfund Enforcement & Community Engagement Branch  
Superfund Division

Enclosure: SCORPIOS Report

Reconciliation Pending

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## Reconciliation Pending

## Narrative Cost Summary

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

1. The United States Environmental Protection Agency has incurred at least \$3,643.02 for Regional Payroll Costs.
2. The United States Environmental Protection Agency has incurred at least \$810.17 for Regional Travel Costs.
3. The United States Environmental Protection Agency has incurred costs of at least \$4,766.54 for INTERAGENCY AGREEMENT (IAG) contract expenditures. The total represents the amount spent under the DEPT OF HOMELAND SECURITY- U.S. COAST GUARD contract.
4. The United States Environmental Protection Agency has incurred at least \$6,798.63 for Indirect Costs.

Total Site Costs before Cost Recovery Collections.....	\$16,018.36
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Collections/Adjustments.....	\$0.00
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<b>Total Site Costs:</b>	<u><u>\$16,018.36</u></u>
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## Reconciliation Pending

## Itemized Cost Summary

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

REGIONAL PAYROLL COSTS .....	\$3,643.02
REGIONAL TRAVEL COSTS .....	\$810.17
INTERAGENCY AGREEMENT (IAG)	
DEPT OF HOMELAND SECURITY- U.S. COAST GUARD (DW70946084) .....	\$4,766.54
EPA INDIRECT COSTS .....	\$6,798.63
TOTAL SITE COSTS BEFORE COST RECOVERY COLLECTIONS .....	\$16,018.36
COLLECTIONS/ADJUSTMENTS .....	\$0.00
Total Site Costs:	<u>\$16,018.36</u>

## Reconciliation Pending

## Regional Payroll Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
BOOTH, JASON Life Scientist (OSC)	2015	14	40.00	2,413.33
			<u>40.00</u>	<u>\$2,413.33</u>
FRANCENDESE, LEO LIFE SCIENTIST	2015	14	17.00	1,229.69
			<u>17.00</u>	<u>\$1,229.69</u>
Total Regional Payroll Costs			<u>57.00</u>	<u>\$3,643.02</u>

Reconciliation Pending

Headquarters Payroll Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
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## Reconciliation Pending

## Regional Travel Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
BOOTH, JASON	TAA012X5	AVC150182	06/17/2015	234.75
Life Scientist (OSC)	TAA012X5	AMP150179	06/17/2015	356.03
				<u>\$590.78</u>
FRANCENDESE, LEO	TAA012KC	AMP150179	06/17/2015	115.00
LIFE SCIENTIST	TAA012KC	AVC150182	06/17/2015	104.39
				<u>\$219.39</u>
Total Regional Travel Costs				<u><u>\$810.17</u></u>

Reconciliation Pending

Headquarters Travel Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
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## Reconciliation Pending

## Contract Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

INTERAGENCY AGREEMENT (IAG)

Federal Agency: DEPT OF HOMELAND SECURITY- U.S. COAST GUARD

IAG Number: DW70946084

Project Officer(s):

Dates of Service: From: To:

Summary of Service:

Total Costs: \$4,766.54

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<u>Voucher Number</u>	<u>Voucher Date</u>	<u>Voucher Amount</u>	<u>Treasury Schedule Number and Date</u>	<u>Site Amount</u>
75360320	08/13/2015	4,766.54	271504839 08/20/2015	4,766.54
			Total:	<u><u>\$4,766.54</u></u>

Reconciliation Pending

Financial Cost Summary for the Contract Lab Program

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

**CONTRACT LAB PROGRAM (CLP) COSTS**

Reconciliation Pending

Miscellaneous (MIS) Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

## Reconciliation Pending

## EPA Indirect Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

<u>Fiscal Year</u>	<u>Direct Costs</u>	<u>Indirect Rate( %)</u>	<u>Indirect Costs</u>
2015	9,219.73	73.74%	6,798.63
	<u>9,219.73</u>		
Total EPA Indirect Costs			<u>\$6,798.63</u>

## Reconciliation Pending

## EPA Indirect Costs

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
BOOTH, JASON	2015	14	2,413.33	73.74%	1,779.59
			2,413.33		\$1,779.59
FRANCENDESE, LEO	2015	14	1,229.69	73.74%	906.77
			1,229.69		\$906.77
Total Fiscal Year 2015 Payroll Direct Costs:			3,643.02		\$2,686.36

TRAVEL DIRECT COSTS

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
BOOTH, JASON	TAA012X5	06/17/2015	356.03	73.74%	262.53
			234.75	73.74%	173.11
			590.78		\$435.64
FRANCENDESE, LEO	TAA012KC	06/17/2015	115.00	73.74%	84.80
			104.39	73.74%	76.98
			219.39		\$161.78
Total Fiscal Year 2015 Travel Direct Costs:			810.17		\$597.42

### EPA Indirect Costs

Costs from 10/01/1980 to 01/20/2017

Contract, IAG, SCA, Misc.NO	Voucher Number	Treasury Schedule Date	Site Amount	Annual/SMO Allocation Costs	Ind. Rate (%)	Indirect Costs
DW70946084	75360320	08/20/2015	4,766.54	0.00	73.74%	3,514.85
			4,766.54	0.00		\$3,514.85
Total Fiscal Year 2015 Other Direct Costs:			4,766.54	0.00		\$3,514.85
Total Fiscal Year 2015:			9,219.73			\$6,798.63
Total EPA Indirect Costs						\$6,798.63



Report Date: 01/20/2017

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Reconciliation Pending

Collections/Adjustments Report

MINTER CITY TRAIN DERAILMENT, MINTER CITY, MS SITE ID = B4 5V

Costs from 10/01/1980 to 01/20/2017

<u>Accounts Receivable Number</u>	<u>Accounts Receivable Line #</u>	<u>Accounts Receivable Amount</u>	<u>Collections Schedule Number</u>	<u>Collected Amount</u>	<u>Date</u>	<u>Payer</u>
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